

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

vs.

Case Number: 1:12-cv-00257-JB-LFG

LARRY GOLDSTONE, CLARENCE G. SIMMONS,
III, and JANE E. STARRETT,

Defendants.

JOINT MOTION TO MODIFY SCHEDULING ORDER

Pursuant to D.N.M. LR-Civ. 16.1, the parties jointly move to amend this Court's Scheduling Order [Doc. 54] entered on July 11, 2012 (the "Scheduling Order"). As grounds for this Motion, the parties state as follows:

1. Plaintiffs filed the present lawsuit on March 13, 2012.
2. Since then, all parties have diligently pursued discovery. The parties have exchanged written discovery requests, responded to those requests, and taken depositions.
3. The parties recently served a substantial number of responses to written discovery requests.
4. Plaintiff's document production remains ongoing and the parties expect further negotiations related to this discovery.
5. Defendants have served Plaintiff with a notice for a Rule 30(b)(6) deposition and expect further negotiations related to this discovery.
6. Given the time needed to meet and confer on these issues, and to determine whether additional motions relating to fact discovery will be necessary, the parties suggest that the March 20, 2013 deadline for filing motions related to fact discovery be modified.

7. A ruling on Defendants' motions to dismiss is forthcoming.
8. After conferring in good faith, the parties ask that the deadline for filing motions relating to fact discovery be extended to 60 days after the Court files a memorandum opinion deciding the last of the Defendants' motions to dismiss.
9. Under this proposed modification to the Scheduling Order, all other pretrial deadlines will remain the same.

For these reasons, the parties ask this Court to enter an order revising the Scheduling Order to incorporate the modification set forth in this motion.

Dated: March 13, 2013

Respectfully submitted,

/s/ Christopher W. Johnstone
WILMER CUTLER PICKERING HALE
& DORR LLP
Christopher W. Johnstone
950 Page Mill Road
Palo Alto, CA 94304
Telephone: (650) 858-6147
Facsimile: (650) 8586100
chris.johnstone@wilmerhale.com

Attorneys for Defendants Larry Goldstone and Clarence G. Simmons, III

Electronically approved on March 13, 2013
MILBANK, TWEED, HADLEY & MCCLOY LLP
Alisa Schlesinger
601 S. Figueroa Street, 30th Floor
Los Angeles, CA 90017
Telephone: (213) 892-4000
Facsimile: (213) 629-5063
aschlesinger@milbank.com

Attorneys for Defendant Jane E. Starrett

Electronically approved on March 13, 2013
SECURITIES & EXCHANGE COMMISSION
Stephen C. McKenna
1801 California Street, Suite 1500
Denver, CO 80202
Telephone: (303) 844-1000
Facsimile: (303) 844-1068
mckennas@sec.gov

Attorneys for Plaintiff Securities & Exchange Commission

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 13, 2013, Joint Motion to Modify Scheduling Order was electronically filed with the Clerk of Court using the CM/ECF system that will send notification of such filing to all counsel of record.

Michael H. Hoses
Assistant United States Attorney
P.O. Box 607
Albuquerque, NM 87103
Michael.hoses@usdoj.gov

Stephen C. McKenna
Gregory Kasper
Securities & Exchange Commission
1801 California Street, Suite 1500
Denver, CO 80202
mckennas@sec.gov
kasperg@sec.gov

**MILBANK, TWEED, HADLEY &
MCCLOY LLP**

Jerry L. Marks
Robert J. Liubicic
Alisa Schlesinger
Elena Kilberg
601 S. Figueroa Street, 30th Floor
Los Angeles, CA 90017
Telephone: (213) 892-4000
Facsimile: (213) 629-5063
jmarks@milbank.com
rliubicic@milbank.com
aschlesinger@milbank.com
ekilberg@milbank.com

**MILBANK, TWEED, HADLEY &
MCCOY LLP**

Thomas A. Arena
1 Chase Manhattan Plaza
New York, NY 10005
Telephone: (212) 530-5000
Facsimile: (212) 530-5219
tarena@milbank.com

**WILMER CUTLER PICKERING
HALE & DORR LLP**

Randall R. Lee
Jessica F. Kurzban
350 South Grand Ave., Suite 2100
Los Angeles, CA 90071
Telephone: (213) 443-5300
Facsimile: (213) 443-5400
randall.lee@wilmerhale.com
jessica.kurzban@wilmerhale.com

**WILMER CUTLER PICKERING
HALE & DORR LLP**
John A. Valentine
April N. Williams
1875 Pennsylvania Avenue, NW
Washington, DC 20006
Telephone: (202) 663-6000
Facsimile: (202) 663-6363
john.valentine@wilmerhale.com
april.williams@wilmerhale.com

**WILMER CUTLER PICKERING
HALE & DORR LLP**

Chris Johnstone
Alanna G. Buchanan
950 Page Mill Road
Palo Alto, CA 94304
Telephone: (650) 858-6000
Facsimile: (650) 858-6100
chris.johnstone@wilmerhale.com
alanna.buchanan@wilmerhale.com

WILMER CUTLER PICKERING HALE & DORR LLP

By */s/ Christopher W. Johnstone*.
Christopher W. Johnstone